

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TIMOTHY SANDERS,

Plaintiff,

vs.

MS. MINGO, *et al.*,

Defendants.

2:11-cv-01398-PMP-GWF

**ORDER**

Plaintiff, who is in the custody of the Nevada Department of Corrections, has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1). The Court entered a screening order on September 8, 2011, deferred decision on the *in forma pauperis* motion, stayed the case for 90 days, and directed the Office of the Attorney General for the State of Nevada to file a status report at the conclusion of the 90 day stay.

As to plaintiff's motion to proceed *in forma pauperis*, based on the financial information provided, the Court finds that plaintiff is unable to prepay the full filing fee in this matter. Plaintiff's motion to proceed *in forma pauperis* is granted.

Additionally, the Office of the Attorney General for the State of Nevada has filed a status report and notice to the Court. (ECF Nos. 4 & 6). The Court is informed that defendant Gloria Mingo, the only defendant that survived screening, is no longer employed by the Nevada Department of Corrections. (ECF No. 6, at p. 1). As such, the Attorney General's Office cannot represent defendant Mingo in this matter. (*Id.*, at pp. 1-2).

1           **IT IS THEREFORE ORDERED** as follows:

- 2           1.       Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**;  
3               however, plaintiff must pay an initial partial filing fee of **\$5.41** toward the full filing  
4               fee of three hundred fifty dollars (\$350.00). Plaintiff shall have **thirty (30) days** from  
5               the date this order is entered in which to have the designated fee sent to the Clerk of  
6               the Court. Failure to do so may result in dismissal of this action. In the event that  
7               this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. §  
8               1915(b)(2).
- 9           2.       The movant herein is permitted to maintain this action to conclusion without the  
10               necessity of prepayment of any additional fees or costs or the giving of security  
11               therefor. This order granting leave to proceed *in forma pauperis* shall not extend to  
12               the issuance of subpoenas at government expense.
- 13          3.       The Clerk of the Court shall **SEND** plaintiff two copies of this order. Plaintiff is  
14               ordered to make the necessary arrangements to have one copy of this order attached to  
15               the check in the amount of the designated fee, by sending a copy of the order with the  
16               "brass slip" for the amount of the fee to Inmate Services for the Nevada Department  
17               of Corrections.
- 18          4.       Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay  
19               to the Clerk of the United States District Court, District of Nevada, 20% of the  
20               preceding month's deposits to plaintiff's account (inmate #1035382), in the months  
21               that the account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this  
22               action. The Clerk of the Court shall **SEND** a copy of this order to the Finance  
23               Division of the Clerk's Office. The Clerk shall also **SEND** a copy of this order to the  
24               attention of the Chief of Inmate Services for the Nevada Department of Corrections,  
25               P.O. Box 7011, Carson City, NV 89702.
- 26          5.       The Clerk shall **DETACH** and **FILE** the complaint.

7. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the court. Plaintiff shall include with the original paper submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, the plaintiff shall direct service to the individual attorney named in the notice of appearance, at the address stated therein. The court may disregard any paper received by a district judge or magistrate judge which has not been filed with the Clerk, and any paper received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service.

Dated this 9th day of December, 2011.

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